

REMARKS

In the Office Action the Examiner objected to claims 6-10 and 12-16 as being substantial duplicates of each other, rejected claims 8, 9 and 11 under 35 U.S.C. § 112, ¶ 2, rejected claims 1, 6-7 and 12-13 as being anticipated by Melander, and rejected claims 1-10 and 12-35 as being obvious in light of the prior art.

Applicant has amended claims 6, 8, 9 and 11 and has therefore removed the basis for objecting to these claims or rejecting them under section 112. Therefore, it is requested that the claims be allowed.

With respect to the rejection of claims 1, 6-7 and 12-13 as being anticipated by Melander, Applicant respectfully disagrees. Melander does not have a linearly slidable retaining means mounted on the side plate. To the contrary, Melander specifically shows its retaining member as being removable once the locking pin is removed. Therefore, Melander does not meet the claim elements and cannot anticipate the claim. With respect to obviousness, Applicant maintains the objection that Melander is not pertinent prior art. Melander relates to a mechanism for attaching a shovel on a back hoe and would not have been looked to by one of skill in the art of motorcycle construction. Thus, the rejection under section 102 should be withdrawn.

Turning now to the rejections based on 35 U.S.C. § 103, Applicant has previously cited the case law which must be followed in combining reference. The Examiner picks and chooses from the prior art but gives no reason why one skilled in the art would make the modifications. The mere fact that something can be done does not support a rejection that it would have been obvious to do so.

Specifically, in the last amendment, Applicant set forth in detail how Gogan actually teaches away from the combination which the Examiner suggests. The Examiner's only

response is that Gogan teaches that the retaining means can be engaged manually, citing Col 4, lines 7-10. The actual statement in Gogan, however, does not teach manually engaging the sissy bar. To the contrary, the structures identified are for disengaging the latching mechanism. In light of the teachings of Gogan, one of ordinary skill in the art would not make the modifications suggested by the Examiner. To the contrary, Gogan teaches away from the suggested combination.

In addition to the specific teachings of Gogan, a brief review of the other prior art quick release attachments is instructive. Interestingly, both Gogan and Seibel, the two most relevant structures cited by the Examiner teach the advantages of using a rotatable cam mechanism that rotates around and underneath the mounting boss to secure the accessory in place. Additionally, the patents discussed as background in both Gogan and Seibel as being relevant to quick release sissy bar attachments (*see* Dierkes, U.S. Pat. No. 4,257, 544; Fuller, U.S. Pat. No. 4,993,731; Reichert, U.S. Pat. No. 5,558,260; Gogan et al., U.S. Pat. No. 5,664,715; Ortlieb, U.S. Pat. No. 5,673,833) teach rotatable cam mechanisms which hold the bracket plates in place.

In light of the substantial teaching in the art which suggests that it is desirable to use a rotating cam system, one skilled in the art would not use a linear, slidable mechanism to hold the bracket plate in place. Such would be abandoning the teachings of the prior art, and the Examiner has shown no motivation for one skilled in the art to modify these structures. To the contrary, simply replacing these structures as suggested by the Examiner would remove from them the very advantages which are identified in the references.

Finally, with respect to the combination of Melander and Meng, it is instructive that the Examiner is forced to combine an attachment member for scaffolding with a coupling for a back hoe to allegedly arrive at a motorcycle sissy bar attachment. There is simply no

motivation identified for combining the references as suggested by the Examiner to come up with the claimed subject matter.

In light of the amended claims, it is respectfully submitted that the claims are now in condition for allowance. Should the Examiner determine that any adverse action is necessary, it is requested that the Examiner contact Applicants' attorney, Randall B. Bateman at (801) 539-1900 so that such matters may be resolved as quickly as possible.

A credit card authorization to cover the additional claims is included herewith. The Commissioner is hereby authorized to charge any amount owing or to credit any overpayment to Account No. 502720.

Respectfully Submitted,

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